

# **EXHIBIT 8**



## OPERATIONS ORDER

SUBJECT: **OPERATIONAL GUIDELINES FOR AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE**

DATE ISSUED:

NUMBER:

**06-08-18**

**35**

1. In order to comply with the Americans with Disabilities Act (ADA), the Department will enhance its programs, activities, and services to more effectively serve the needs of New York City residents, visitors, participants at Department sponsored events, suspects and arrestees with disabilities. To accomplish this, the Department will create accessible precinct hub locations (at least two per borough) over the next several years.

2. Therefore, effective immediately, when a member of the service interacts with an individual who has a disability, and who requires access to Department programs and services, the following procedure will be complied with:

### PURPOSE

To facilitate access to Department services, programs, and activities for members of the public with disabilities, including crime victims, complainants, aided cases, witnesses, and participants at Department-sponsored events. Additionally, to provide pertinent access to suspects and arrestees in police custody.

### DEFINITIONS

DISABILITY - A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

ACCESSIBLE - Refers to the design of products, devices, services, or environments for people with disabilities.

SERVICE ANIMAL - A service animal is a dog, or any other animal, which is individually trained to do work or perform tasks for a person with a disability.

ASSISTIVE DEVICES - Tools, products, or types of equipment that assist people with performing tasks and activities.

DISABILITY SERVICE FACILITATOR (DSF) - An individual designated by the Police Commissioner to coordinate the NYPD's efforts to comply with and carry out the Department's responsibilities under the ADA and other federal, state, and local laws concerning accessibility for persons with disabilities.

POLICE SERVICES - The performance of official duties that are carried out according to Department policy, as well as, city and state law.

PUBLIC PROGRAMS, ACTIVITIES, AND EVENTS - Any event to which members of the general public are invited, whether for a fee or complimentary, hosted by a City agency.

## FOR POLICE SERVICES, PROGRAMS, ACTIVITIES, AND EVENTS:

Members of the service shall ascertain the program, service, or activity sought by the member of the public and determine if the location where the program, service, or activity sought is ADA accessible. If member of the public is unable to travel to an accessible precinct/location, police personnel should respond to residence/place of business/other accessible location where the individual with the disability is located (contact should be made by the next available precinct resource for the requested non-emergency police service).

### **NOTE**

*Police services can include, but are not limited to: taking complaint reports, interviewing witnesses, interrogating suspects and conducting line-ups, domestic violence and other crime victim services, arresting, booking and holding suspects, providing emergency services, enforcing laws, holding public hearings, processing applications for permits/parades, vouchering and returning evidence, and other official duties.*

*Public programs, activities and events specific to the NYPD can include, but are not limited to: all Community Affairs events, Community Council Meeting, Build the Block meetings, Police Athletic League events, the Citizens Police Academy, promotions, press conferences, tours of NYPD facilities, etc.*

*In cases where a complainant, victim, or witness with a mobility disability requires transportation to a police facility, comply with Operations Order 12, series 2015, "Available Transportation Services for Disabled Complainants, Victims, and Witnesses." If an individual is deaf or hard of hearing, comply with P.G. 212-104, "Interactions with Hearing Impaired Persons." In addition, members of the service are reminded to contact the Operations Unit, if the services of a qualified sign language interpreter are needed.*

## FOR PUBLIC EVENTS HELD OUTSIDE THE PRECINCT:

Members of the service shall schedule all events occurring outside the precinct at facilities that are accessible for individuals with disabilities. For assistance identifying accessible precincts for events held at precinct stationhouses, contact the Department's Disability Service Facilitator, located in the Office of Equal Employment Opportunity. If handouts, flyers, etc., are utilized at events, provide documents in large-print, if requested beforehand. Documents might also be forwarded to individuals with visual impairments by e-mail. If it is not possible to hold an event at an accessible location outside the precinct, provide access for individuals with disabilities through alternative methods.

### **NOTE**

*Alternative methods can include, but are not be limited to: relocating and/or rescheduling the event for a different time/location, providing open phone/video streaming by collaborating with the Digital Communications Officer, see Operations Order 28, series 2017, "Establishment of the Digital Communications Officer," providing services or benefits at an individual's home, providing personal assistance, etc.*

**NOTE**  
**(continued)**

*Individuals with disabilities who use service animals must not be denied or discouraged from participating in programs, services, or activities. People who use service animals should not be separated from their service animals, unless safety or health reasons necessitate separation. An individual with a disability who is accompanied by a service animal cannot be required to submit proof of disability or any form of documentation, or to demonstrate or otherwise prove that the animal is a service animal.*

*Dogs are the most common type of service animals. However, other animals may be utilized as service animals, provided they perform specific functions and tasks pertaining to an individual's disability. It should be noted that many service animals are not identified by special, or colored collars, or harnesses. Service animals must be harnessed or leashed (and otherwise within the control of the handler). For further guidance on whether an animal qualifies as a service animal under applicable laws, contact the Legal Bureau.*

**FOR WITNESSES, SUSPECTS, OR ARRESTEES WITH MOBILITY DISABILITIES:**

Members of the service shall ascertain from a witness, an arrestee, or a suspect with a mobility disability, who requires transport to a police facility, what type of transportation he or she can use, and if reasonable, take measures to accommodate request (secure assistive devices, if necessary). If precinct is not accessible to those with disabilities, assess appropriate precinct/lodging options. In addition, if suspect or arrestee obtains an attorney with a mobility disability, and the right to counsel has been invoked, any interrogation/line-up, etc. should take place at an accessible precinct.

**NOTE**

*Assistive devices can include, but are not limited to: crutches, canes, braces, manual or power wheelchairs, scooters or other power-driven mobility devices (e.g., segways, golf carts, etc.). The Department must allow people with disabilities who use assistive devices entry into all areas where members of the public are allowed to go. Where legitimate safety concerns bar accommodation for a particular type of device, the Department must provide alternate areas, if possible.*

*In Patrol Borough Brooklyn North (PBBN) or Patrol Borough Brooklyn South (PBBS), comply with Operations Order 12, series 2018, "Pilot Program – Utilization of Department Vehicles Equipped with Americans With Disabilities Act (ADA) Compliant Lifts when Transporting Arrestees with Mobility Disabilities within Patrol Borough Brooklyn North and Patrol Borough Brooklyn South" and utilize Department vehicles equipped with wheelchair lifts when transporting arrestees with mobility disabilities.*

*If necessary, ESU can provide support when transportation of a motorized wheelchair/scooter is required in boroughs other than PBBN and PBBS. Comply with Operations Order 12, series 2015, "Available Transportation Services for Disabled Complainants, Victims and Witnesses." The Department has purchased carriers so that every patrol borough can access them; contact Operations Unit for assistance.*

*In cases where a prisoner is mobility impaired, comply with P.G. 210-17, "Arrest Processing of Pre-arraignment Prisoners Designated as Special Category."*

<b>NOTE</b> <b>(continued)</b>	<i>If witness, suspect, or arrestee appears to be mentally ill or an emotionally disturbed person, and requires medical treatment comply with P.G. 210-04, "Prisoners Requiring Medical Psychiatric Treatment."</i>
<b>ADDITIONAL DATA</b>	<i>Precinct paths leading to wheelchair ramp and/or lift (if any) should be free of obstacles and barriers, including snow, ice, garbage, vehicles, etc. Rooms or areas utilized by the person with a disability should accommodate the individual (i.e., doorframe is wide enough for passage, path is clear of obstacles/barriers, furniture can accommodate wheelchair access/service animal, accessible restrooms are maintained, etc.).</i>
<b>RELATED PROCEDURES</b>	<i>Interaction with Hearing Impaired Persons (P.G. 212-104)</i> <i>Grievance Procedure for Members of the Public with Disabilities (A.G. 308-06)</i> <i>Arrest Processing of Pre-arraignment Prisoners Designated as Special Category (P.G. 210-17)</i> <i>Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)</i> <i>Pilot Program – Utilization of Department Vehicles Equipped with Americans With Disabilities Act (ADA) Compliant Lifts when Transporting Arrestees with Mobility Disabilities within Patrol Borough Brooklyn North and Patrol Borough Brooklyn South (Operations Order 12, series 2018)</i> <i>Available Transportation Services for Disabled Complainants, Victims, and Witnesses (Operations Order 12, series 2015)</i>

3. Commanding officers will ensure that the contents of this Order are brought to the attention of members of their commands.

**BY DIRECTION OF THE POLICE COMMISSIONER**

**DISTRIBUTION**  
**All Commands**

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